

EXHIBIT N

Brian Flynn, M.D.

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF KERN
CASE NO. 1500-cv-279123 LHB
Assigned to the Honorable Lorna H. Brumfield
Reservation No.: 4676

DEPOSITION OF BRIAN FLYNN, M.D. January 7, 2015

COLEEN M. PERRY,

Plaintiff,

vs.

HUNG T. LUU, M.D.; JOHNSON & JOHNSON, a New Jersey
corporation; ETHICON, INC., a New Jersey corporation;
and DOES 1-60,

Defendants.

APPEARANCES:

WAGSTAFF & CARTMELL, LLP

By Jeffrey M. Kuntz, Esq.

4740 Grand Avenue

Suite 300

Kansas City, Missouri 64112

Appearing telephonically on behalf of
Plaintiff.

BUTLER SNOW, LLP

By Nils B. (Burt) Snell, Esq.

500 Office Center Drive

Suite 400

Fort Washington, Pennsylvania 19034

and

BOWMAN AND BROOKE, LLP

By Barry J. Koopmann, Esq.

150 South Fifth Street

Suite 3000

Minneapolis, Minnesota 55402

Appearing on behalf of Defendants.

Also present: Sean Keith, Esq.

Brian Flynn, M.D.

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<p>1 Pursuant to Notice and the California Rules 2 of Civil Procedure, the deposition of BRIAN FLYNN, M.D., 3 called by Plaintiff, was taken on Wednesday, January 4 7, 2015, commencing at 1:37 p.m., at 1801 California 5 Street, Suite 5100, Denver, Colorado, before Dianna 6 L. Buckstein, Professional Shorthand Reporter and 7 Notary Public within and for the State of Colorado.</p> <p>8 9</p> <p>10 INDEX</p> <p>11</p> <p>12 DEPOSITION OF BRIAN FLYNN</p> <p>13 EXAMINATION BY: PAGE</p> <p>14 Mr. Kuntz 5, 266, 269</p> <p>15 Mr. Snell 235, 268, 271</p> <p>16 Mr. Koopmann --</p> <p>17</p> <p>18 EXHIBITS INITIAL REFERENCE</p> <p>19 Exhibit 1 Rule 26 Expert Report 20 of Brian J. Flynn</p> <p>20</p> <p>21 Exhibit 2 Plaintiff's Second 42 Amended Notice of Oral and Videotaped Deposition of Defendant Johnson & 22 Johnson and Ethicon, Inc.'s Expert Brian J. Flynn, M.D.</p> <p>23 Exhibit 3 Chart of billing that 44 totals \$10,200.00</p> <p>24</p> <p>25</p>	<p>1 EXHIBITS INITIAL REFERENCE</p> <p>2 Exhibit 18 Black binder labeled 96 TVT-O RCTs</p> <p>3</p> <p>4 Exhibit 19 Deposition of Anju 96 Mathur, M.D.</p> <p>5 Exhibit 20 Deposition of Eric 96 Rovner, M.D.</p> <p>6</p> <p>7 Exhibit 21 CD labeled Ethicon 96 Pelvic Mesh Litigation</p> <p>8 Exhibit 22 CD labeled Gyne-mesh: 96 Medical Literature; SUI</p> <p>9</p> <p>10 Exhibit 23 CD labeled Mesh Materials 96</p> <p>11 Exhibit 24 CD labeled Ethicon 96 Gynecare Pelvic Mesh Litigation</p> <p>12</p> <p>13 Exhibit 25 Silver thumb drive 96</p> <p>14 Exhibit 26 Handwritten notes 96</p> <p>15 Exhibit 27 Document entitled 96 Flynn, Brian - Materials List.XLSX, Medical Literature</p> <p>16</p> <p>17 Exhibit 28 Black thumb drive 96</p> <p>18</p> <p>19 Exhibit 29 Document entitled 192 Anatomy</p> <p>20 Exhibit D1 Brian J. Flynn, MD, 236 Summary of Opinions</p> <p>21</p> <p>22 Exhibit D2 IME report by 237 Brian J. Flynn, M.D.</p> <p>23</p> <p>24</p> <p>25</p>
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<p>1 EXHIBITS INITIAL REFERENCE</p> <p>2 Exhibit 4 Article entitled Surgical 52 management of lower urinary mesh perforation after mid-urethral polypropylene mesh sling: mesh excision, urinary tract reconstruction and concomitant pubovaginal sling with autologous rectus fascia</p> <p>7 Exhibit 5 Master Consulting 96 Agreement</p> <p>8</p> <p>9 Exhibit 6 Black binder 96</p> <p>10 Exhibit 7 Black binder labeled 96 Records: Dr. Luu and Dr. Allen</p> <p>11</p> <p>12 Exhibit 8 Orange folder of 96 documents</p> <p>13 Exhibit 9 Black binder labeled 96 Dr. Allen Deposition</p> <p>14</p> <p>15 Exhibit 10 Black binder labeled 96 TVT-O Company Docs</p> <p>16 Exhibit 11 Black binder labeled 96 TVT-R RCTs</p> <p>17</p> <p>18 Exhibit 12 Black binder labeled 96 TVT-R Materials</p> <p>19 Exhibit 13 Black binder labeled 96 Ethicon Pelvic Mesh Litigation</p> <p>20</p> <p>21 Exhibit 14 Black binder 96</p> <p>22 Exhibit 15 Black binder 96</p> <p>23 Exhibit 16 Black binder labeled 96 SUI Medical Literature</p> <p>24</p> <p>25 Exhibit 17 Black binder labeled 96 TVT Company Docs</p>	<p>1 PROCEEDINGS</p> <p>2 BRIAN FLYNN, M.D.,</p> <p>3 being first duly sworn in the above cause, was</p> <p>4 examined and testified as follows:</p> <p>5 EXAMINATION</p> <p>6 BY MR. KUNTZ:</p> <p>7 Q Doctor, state your full name for the</p> <p>8 record, please.</p> <p>9 A I'm Dr. Brian Joseph Flynn, M.D.</p> <p>10 Q And where do you currently work?</p> <p>11 A I work for the University of Colorado at</p> <p>12 Denver.</p> <p>13 Q And you understand we're here to talk today</p> <p>14 about the TVT Abbrevio as it related to Coleen Perry</p> <p>15 correct?</p> <p>16 A Correct.</p> <p>17 Q And you currently don't use the TVT</p> <p>18 Abbrevio, right?</p> <p>19 A Incorrect.</p> <p>20 Q Okay. When did you start using the TVT</p> <p>21 Abbrevio after you stopped for a brief period of time?</p> <p>22 MR. SNELL: Objection to form.</p> <p>23 A I don't remember ever stopping. I've used</p> <p>24 the TVT Abbrevio starting in 2011.</p> <p>25 Q (By Mr. Kuntz) And you use it currently?</p>

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<p>1 A Yes.</p> <p>2 Q And what do you recall about those</p> <p>3 documents, or what documents did you review?</p> <p>4 A I can't remember the specific documents</p> <p>5 without having them in front of me, but just in</p> <p>6 general, that people were at least opening up the</p> <p>7 discussion on what key opinion leaders and others</p> <p>8 thought about how to tension it. Should it be</p> <p>9 tensioned the same or differently.</p> <p>10 Q Do you recall reviewing any documents that</p> <p>11 physicians -- or strike that.</p> <p>12 Do you recall reviewing any documents in</p> <p>13 forming your opinion in this case about Ethicon</p> <p>14 employees having concerns about tensioning with</p> <p>15 laser-cut mesh?</p> <p>16 A I think that there was some awareness. I</p> <p>17 guess you could use the word "concern." There was</p> <p>18 discussion, like I mentioned, that it's something</p> <p>19 that people who instruct on the procedure were</p> <p>20 wondering what they should be telling their students.</p> <p>21 Q Is there any -- you had talked about easier</p> <p>22 to deploy and tensioning -- I think you said looser</p> <p>23 with the laser-cut mesh are things you taught at</p> <p>24 cadaver labs, correct?</p> <p>25 A Those were comments that I would make to</p>	<p>1 A It is, yes.</p> <p>2 Q Is -- do you believe laser-cut mesh is</p> <p>3 better than mechanical-cut mesh?</p> <p>4 A I would say it's different. I prefer it,</p> <p>5 but I don't think there's any scientific studies to</p> <p>6 say it's superior.</p> <p>7 Q Do you -- have you read any deposition of</p> <p>8 Ethicon employees that believe that the laser-cut</p> <p>9 mesh is superior to the mechanical-cut mesh?</p> <p>10 MR. SNELL: Foundation objection. Go</p> <p>11 ahead.</p> <p>12 Q (By Mr. Kuntz) I guess you haven't read</p> <p>13 any internal depositions from any Ethicon employees?</p> <p>14 A No. I've just seen bits and pieces from</p> <p>15 depositions. Some of them in the form of exhibits</p> <p>16 that were put in front of me in other depositions</p> <p>17 that I've given, and then some of the in-house</p> <p>18 documents that I have in front of me, they -- but no,</p> <p>19 I don't have a lot of that information. I wasn't</p> <p>20 privy of a lot of that information.</p> <p>21 Q Did you ever, in forming your opinions,</p> <p>22 think, "Hey, maybe I want to read what the internal</p> <p>23 Ethicon employees, scientists, and medical directors</p> <p>24 were saying about the issues in this case"?</p> <p>25 MR. SNELL: Objection, form, compound.</p>
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<p>1 people who would ask me advice about it. I can't say</p> <p>2 for sure it occurred at a cadaver lab. It could have</p> <p>3 occurred at other Ethicon events or at scientific</p> <p>4 meetings or just, you know, amongst -- conversation</p> <p>5 with colleagues in other specialties at the hospitals</p> <p>6 that I work at.</p> <p>7 Q What do you tell your students at</p> <p>8 University of Colorado about laser-cut mesh versus</p> <p>9 mechanical-cut mesh?</p> <p>10 A Well, at this point, it's not a</p> <p>11 conversation we really have because all we've been</p> <p>12 using is laser-cut mesh really since it became</p> <p>13 available.</p> <p>14 So it's more of a historic conversation.</p> <p>15 That probably would be beyond what a student would be</p> <p>16 interested in, but it was conversations that I had,</p> <p>17 you know, when there was a transition period.</p> <p>18 So during those years, say, from '7 to like</p> <p>19 '10 or '11, it would be a conversation, but once we</p> <p>20 had a group of residents who only had experience with</p> <p>21 the laser-cut, that's all they knew. They really</p> <p>22 didn't need to understand tensioning mechanically-cut</p> <p>23 because it was something that I wasn't using in my</p> <p>24 practice; hence, they wouldn't be using.</p> <p>25 Q Is the TVT Exact laser-cut mesh?</p>	<p>1 A No. I don't think that's really my role in</p> <p>2 this case. I'm not a materials science expert, and I</p> <p>3 think there's other people that are experts for</p> <p>4 Ethicon that can probably speak to it better than me.</p> <p>5 Q (By Mr. Kuntz) Speak to what better than</p> <p>6 you?</p> <p>7 A Speak to the biomechanical data, if there's</p> <p>8 any differences. I'm aware of differences that I see</p> <p>9 grossly with my naked eye when I have the material in</p> <p>10 front of me, you know, how the edges are smoother on</p> <p>11 the mechanically-cut, how the mesh is -- appears to</p> <p>12 be brighter or bluer.</p> <p>13 You know, those are things that I see, you</p> <p>14 know, in my practice and when I'm implanting a mesh.</p> <p>15 Q So you believe other people are suited to</p> <p>16 talk about the scientific or differences between</p> <p>17 laser-cut mesh and mechanical-cut mesh as opposed to</p> <p>18 you?</p> <p>19 MR. SNELL: Objection. It misstates.</p> <p>20 A I'm stating I'm prepared to answer</p> <p>21 questions as a physician and a clinician with respect</p> <p>22 to laser-cut and mechanically-cut, but I'm not an</p> <p>23 employee of Ethicon. I didn't develop the mesh.</p> <p>24 I feel there's people better in the company</p> <p>25 to explain those differences than I am, yes. I'm not</p>

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